IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2060 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GEETABEN DIPAKKUMAR DESAI

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 2060 of 2002

MR NIKHIL JOSHI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 11/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Mr. Joshi,

learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Mr. Joshi, learned advocate for the petitioner has taken me through the petition and documents attached thereto. In this petition, the petitioner has prayed for seeking necessary direction to be issued to the respondent Authority that the respondent Authority be directed to issue passport relying upon the document namely the birth certificate issued by the Panchayat Authority of village Mehelav, Tal.: Petlad, District : Anand showing the birth date of the petitioner as 29th June, 1967, which was registered with the Panchayat record in the month of June, 1967. The petitioner had approached the respondent passport authority for obtaining passport by making an application on 23rd October, 2001, wherein, the petitioner has relied upon the school leaving certificate issued by the school authority i.e. Head Master, B.S.S.M. Mehelav, Ta.: Petlad Dist.: Kheda dated 6th July, 1987 showing the birth date of the petitioner as 4th October, 1969. Even in the application for passport, the petitioner had shown his birth date as 29th June, 1967. Accordingly, the passport authority has also while accepting the application of the petitioner for passport has referred that there is a difference in the birth date mentioned in the application and in the school leaving certificate. The petitioner has accordingly, orally informed by respondent authority that unless and until the order from the competent court is not obtained, it will not be possible for the passport authority to issue passport as per the application submitted by the petitioner showing his birth date as 29th June, 1967.

2. On going through the birth certificate issued by the Talati-cum-Mantri, Gram Panchayat, Mehelav, Ta.: Petlad, showing that birth date of the petitioner is 29th June, 1967, which was issued by the said authority on 29th October, 2001, admittedly, after the application for passport was submitted by the petitioner namely on 23rd October, 2001. Admittedly, till date, no passport is issued.

3. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Gram Panchayat, Mehelav shows that the birth date of the petitioner is 29th June, 1967 as per the birth certificate dated 29.10.2001 it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is

directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

4. Mr. Joshi, learned advocate for the petitioner has stated that the petitioner will promptly apply for new passport and the respondent is required to examine the application of the petitioner as expeditiously as possible. It is directed that if the petitioner will apply fresh, the application of the petitioner will decide as expeditiously as possible.

5. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)
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